

REMARKS

1. In response to the Office Action mailed August 14, 2007, Applicant respectfully requests reconsideration. Claims 1-12 were originally presented for examination. In the outstanding Office Action, claims 1-12 were rejected. By the foregoing Amendments, claims 1-3 and 7-11 have been amended. Claims 13-15 have been added. No new matter has been added. The Amendments have been made for the purposes of clarification and not to limit the scope of the claims. No claims have been cancelled. Upon entry of this paper, claims 1-15 will be pending in this application. Of these fifteen (15) claims, 2 claims (claims 1 and 10) are independent.

2. Based upon the above Amendment and following Remarks, Applicant respectfully requests that all outstanding objections and rejections be reconsidered, and that they be withdrawn.

Art of Record

3. Applicant acknowledges receipt of form PTO-892 listing additional references identified by the Examiner.

4. Applicant thanks the Examiner for returning the PTO/SB/08 forms submitted by Applicant on January 13, 2005, which has been initialed by the Examiner indicating the Examiner has considered the references cited therein.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "4" and "4a" are said to both designate the same front parts. (*See*, Office Action, pg. 2, first paragraph.) Additionally, the drawings are objected to because reference character "4a" is said to have been used to designate both front parts and an outer surface. (*See*, Office Action, pg. 2, second paragraph.) The above Amendments to the Specification accommodate these objections and Applicant respectfully requests that these objections be reconsidered and that they be withdrawn.

Claim Objections

6. The claims are objected to as having grammatical errors which make the claims confusing or more difficult to understand. The above Amendments to the Claims accommodate these objections and Applicant respectfully requests that these objections be reconsidered and that they be withdrawn.

Claim Rejections - 35 USC §102

7. Claims 1-4 and 6-12 are rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,839,899 to Robinson (hereinafter, “Robinson”). (*See*, Office Action, pg. 3.) Applicant respectfully asserts that Robinson fails to teach or suggest Applicant’s invention as claimed.

8. Robinson is directed to a method of “growing addition maxillary or mandibular bone in areas of atrophy” and a device used to accomplish this task. (*See*, Robinson, col. 2, ll. 28-32.) As explained in Robinson, “the success of... dental implants has been limited by the quality and quantity of existing bone” in which the implant is placed. (*See*, Robinson, col. 1, ll. 19-20.) To improve the quality and quantity of existing bone, bone grafting has been used. Robinson states that “for bone grafting to be successful, it must be given an isolated space to grow, protected from muscular pressure, tissue impingement and chewing forces.” (*See*, Robinson, col. 1, ll. 35-37.) Robinson describes a “pliable guided-tissue regeneration plate, which holds its shape after being bent” and its use with a “support screw or a dental implant”, so that the plate is maintained “at a predetermined distance above or away from the surface of the bone... in order to create a supported and protected space between the underside of the gum tissue and the bone.” (*See*, Robinson, col. 2, ll. 35-39.) The plate can be mated with a “support screw or screws which are tenting screws designed to be mated with and then become intimately a part of the... plate.” (*See*, Robinson, col. 2, ll. 42-45.) After the bone is generated in the space created between the bone and the plate, the guided-tissue regeneration plate support and fixation system is “surgically removed after the bone has grown under its surface at a later uncovering or implant placement surgery.” (*See*, Robinson, col. 2, ll. 57-58.) FIG. 13 of Robinson illustrates the plate and the

support screw, and FIG. 14 illustrates the “tent” created by them. FIG. 17 illustrates the support screw and the plate as the screw is inserted into an implant.

9. Robinson fails to teach or suggest “an implant, comprising *a length configured to allow access by the implant to a sinus cavity* when the implant is inserted into a hole in the jaw bone, *a rounded front part configured to push but not pierce a sinus mucous membrane* at the sinus cavity, thereby *lifting the mucous membrane and forming a closed space* between said rounded front part and the mucous membrane”, nor of “*at least one growth-stimulating substance disposed on said implant* and configured to interact with cell-containing body fluid penetrating into said formed closed space”, as claimed by Applicant’s independent claim 1. (See, Applicant’s amended independent claim 1, above; emphasis added.) Applicant’s independent claim 10 claims similar features, which Robinson also fails to teach or suggest. (See, Applicant’s amended independent claim 10, above.) Since Robinson fails to teach or suggest all features of Applicant’s independent claims, as amended, Applicant respectfully requests that the rejections be reconsidered and that they be withdrawn.

Dependent Claims

10. The dependent claims incorporate all the subject matter of their respective independent claims and add additional subject matter which makes them independently patentable over the art of record. Accordingly, Applicant respectfully asserts that the dependent claims are also allowable over the art of record.

Conclusion

11. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

12. Applicant reserves the right to pursue other subject matter disclosed in this application in a continuation or divisional application. Amendments of above claims, therefore, are not to be construed as an admission regarding the patentability of any claims.

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Respectfully submitted,

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